



March 15, 2022

By E-Mail

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100 Light Street
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Re: Request for Interested Party Status
Andochick Surgical Center LLC d/b/a Physicians Surgery Center of Frederick
Certificate of Need Application to Increase Outpatient Operating Capacity
Docket No. 21-10-2451

Dear Ms. Magro and Mr. Dean:

I have been appointed, pursuant to COMAR 10.24.01.09A(1)(b), to serve as Reviewer of the above-referenced application for Certificate of Need (CON) filed by Andochick Surgical Center, LLC, d/b/a Physicians Surgery Center of Frederick (PSCF), for the addition of two sterile operating rooms and one non-sterile procedure room to an existing ambulatory surgery center located in the City of Frederick, Frederick County, Maryland.

Frederick Health Hospital (FHH) filed comments opposing PSCF's CON application and requesting interested party status in accordance with COMAR 10.24.01.08F. PSCF filed a response to FHH's comments. I have considered the request for interested party status filed by Frederick Health Hospital (FHH), as well as the response to FHH's comments filed by PSCF. FHH is an acute care hospital that provides operating rooms for both inpatient and outpatient surgical procedures serving the population residing in Frederick County. Frederick Health Hospital is located at 400 West 7th Street in Frederick, Maryland (Frederick County), which is 2.6 miles away from PSCF's location. Thus, PSCF and FHH are both physically located in the same planning region – the Western Maryland planning region. In its comments,

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FHH states that PSCF's proposed project would have a potentially detrimental impact on its existing surgical services program. I note that, in its response to FHH's comments, PSCF does not comment or state a position on FHH's request to be recognized as an interested party.

I find that, pursuant to COMAR 10.24.01.08F(1) and COMAR 10.24.01.01B(2) and (20), FHH qualifies for interested party status in this review because it is authorized to provide the same service as that proposed by the applicant, PSCF, in the same jurisdiction and geographic planning region used to determine need for general surgical services in COMAR 10.24.11, the chapter of the State Health Plan that addresses these services. For these reasons, I recognize FHH as an interested party in the review of PSCF's CON application.

Going forward, I request that all filings in this review be submitted in format by email to the parties in this email, to Ms. Ruby Potter at ruby.potter@maryland.gov, and to others copied on the email by which this ruling is sent. In addition, please send a copy of all filings to Ms. Potter at ruby.potter@maryland.gov in Word format, since having the filing in that format will assist me in these reviews.

I advise all parties that this is a contested case and that the *ex parte* prohibitions in the Administrative Procedure Act, Maryland Code Ann., State Gov't §10-219, apply to this proceeding until the Commission issues a final decision.

Sincerely,



Trupti Brahmabhatt, Ph.D.
Commissioner/Reviewer

cc: Scott E. Andochick, M.D.
James P. Sherwood, VP Business Dev. & Strategy, Frederick Health
Jennifer Coyne, Miles & Stockbridge, PC
Paul Parker, Director, Center for Health Care Facilities Planning and Development
Wynee Hawk, Esq., Chief, Certificate of Need
Sarah Pendley, Assistant Attorney General
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